

REMARKS

Upon entry of the Amendment above, claims 8-24, 26-27, 64, 68-71, and 76-78 will be pending in this application. By this Amendment, claims 14 and 78 have been amended.

Claims 14 and 78 have been amended for the purposes of clarity. No new matter has been added as a result of the amendment to the claims.

Interview Summary

Applicants thank Examiner Susan Berman for discussing the application with Applicants' representative, Keith Campbell (Reg. No. 46,597), on February 12, 2008. Examiner Berman provided insight into the rationale for the double patenting rejection. No consensus was reached regarding the merits of the rejection.

§ 112 Rejection of the Claims

Claims 14-16 and 78 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants traverse the rejection to the extent that it is maintained.

Claim 14 has been amended so that there is no longer a problem regarding antecedent basis and so that it further limits claim 8, from which it depends. As amended, claim 14 is now definite. Accordingly, claims 15-16, which depend from claim 14 are also definite.

Claim 78 has been amended to eliminate an error and is now definite.

In light of the amendments to the claims, withdrawal of the rejection is respectfully requested.

Obviousness-Type Double Patenting

Claims 8-24, 26, 27, 64-71 and 76-77 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-18 of US Patent No. 6,534,128 and claims 1-6 of US Patent No. 6,558,753.

Application No.: 10/008,253

Case No.: 55393US011

A terminal disclaimer with regard to US Patent No. 6,534,128 and US Patent No. 6,558,753 is being submitted concurrently herewith. In light of the concurrently submitted terminal disclaimer, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of the merits of the application.

Respectfully submitted,

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